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 PROG 10/12/83
 CDA: JABUSHNELL
 POL: JAALLITTO: JMR
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ARGENTINA PROJECT (S200000044)
 U.S. DEPT. OF STATE, A/RPS/IPS
 Margaret P. Grafeld, Director
 () Release () Excise () Deny

Exemption(s): _____
 Declassify: () In Part () In Full
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AMEMBASSY BUENOS AIRES
 SECSTATE WASHDC, IMMEDIATE
 INFO AMEMBASSY LIMA

JA
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 (draft)

DEPT FOR ARA/SC AND HA/HR, LIMA FOR AMBASSADOR ORTIZ

E.O. 12356: N/A

TAGS: SHUM, PINS, AR

SUBJ: UPDATED HUMAN RIGHTS TRENDS IN ARGENTINA

REF: BUENOS AIRES 6431

1. THIS TELEGRAM UPDATES REFTEL, IS FOR NEXT WEEK'S CONGRESSIONAL HEARINGS, AND FOLLOWS THE FORMAT USED IN REFTEL.

2. THE FIRST FOUR PARAGRAPHS ARE STILL CURRENT. ALTHOUGH THERE HAS BEEN A LITTLE VIOLENCE DURING THE FINAL STAGES OF THE POLITICAL CAMPAIGN (TWO PARTY OFFICES HAVE BEEN BURNED, AND THERE HAVE BEEN FIGHTS BETWEEN MEMBERS OF RIVAL PARTIES), THERE HAS ALSO BEEN A GREAT INCREASE IN THE NUMBER OF RALLIES AND IN THE NUMBERS OF PEOPLE ATTENDING THOSE RALLIES, WHICH HAVE GONE AS HIGH AS 100,000. SUCH PARTICIPATION REFLECTS INTENSE PUBLIC INTEREST IN THE FIRST NATIONAL ELECTIONS IN TEN YEARS. BY MID-OCTOBER NEWS OF THE CAMPAIGN COVERED MANY PAGES OF THE DAILY PRESS; MOST WALLS IN URBAN AREAS ARE PAINTED AND REPAINTED WITH POLITICAL SLOGANS AND POLITICAL POSTERS ARE EVERYWHERE. EQUAL FREE TIME ON RADIO AND TELEVISION HAS BEEN GRANTED TO ALL OFFICIALLY RECOGNIZED POLITICAL PARTIES, INCLUDING THE ORTHODOX COMMUNISTS AND OTHER EXTREME LEFT-WING PARTIES. NEWS REPORTS AND TALK SHOWS GIVE HEAVY COVERAGE TO THE CAMPAIGN, PARTICULARLY TO THE CANDIDATES WHO LED IN THE POLLS. HUNDREDS OF PARTY ORGANIZERS ARE ACTIVE IN TOWNS AND CITIES DISTRIBUTING CAMPAIGN LITERATURE WITHOUT OFFICIAL HINDRANCE.

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3. THE FOURTH SENTENCE OF PARAGRAPH THREE IN REFTEL SHOULD NOW READ "TRADE UNION FREEDOM IS GREATER THAN AT ANY TIME IN THE RECENT PAST; TRADE UNIONS AND THEIR LEADERS HAVE A SIGNIFICANT ROLE IN SETTING NATIONAL ECONOMIC POLICY; AND STRIKES, INCLUDING TWO NATIONAL STRIKES, OCCUR ALTHOUGH THEY ARE TECHNICALLY ILLEGAL."

4. ADD TO THE END OF PARAGRAPH FIVE: "RECENTLY NEW AMNESTY AND ANTI-TERRORISM LAWS HAVE BEEN ISSUED; THEY ARE BEING CHALLENGED IN THE COURTS AND MANY POLITICIANS ARE PROMISING CHANGES IN THESE LAWS BY THE CONGRESS TO BE ELECTED OCTOBER 30."

5. TO UPDATE THE QUESTIONS AND ANSWERS, THE ANSWER TO THE QUESTION IN PARAGRAPH SEVEN OF REFTEL SHOULD NOW READ:

-- A. "WE WERE TOLD THERE WERE 141 PEN PRISONERS AS OF SEPTEMBER 29, DOWN FROM 243 AT THE END OF 1982. . ."
ALSO CHANGE 156 TO 141 IN THE THIRD SENTENCE. BUSHNELL##

6. THE FOLLOWING QUESTION AND ANSWER SHOULD BE ADDED AFTER PARAGRAPH 15:

-- Q. WHAT HAS THE GOVERNMENT OF ARGENTINA (GOA) DONE?

-- A. THE GOA HAS MADE AVAILABLE TO THE PUBLIC LISTS OF PEN PRISONERS AND WHEREABOUTS CASES THAT HAVE BEEN CLEARED UP. THE MINISTRY OF THE INTERIOR ESTIMATES THAT ABOUT 1260 PEOPLE HAVE VIEWED THE LISTS SINCE THEY WERE FIRST MADE AVAILABLE IN MAY.

7. THE FOLLOWING QUESTION AND ANSWER COULD BE ADDED TO THOSE THAT DEAL WITH THE ISSUE OF MISSING PERSONS:

-- Q. DIDN'T A POLITICIAN DISAPPEAR IN ARGENTINA RECENTLY?

-- A. AN INTRANSIGENT PARTY CANDIDATE FOR PROVINCIAL DEPUTY IN SALTA PROVINCE, RUBEN ALVAREZ, WAS REPORTED TO HAVE DISAPPEARED IN MID-SEPTEMBER. THE REPORTS OF HIS DISAPPEARANCE PRODUCED MARCHES AND HUNGER STRIKES DEMANDING THAT THE GOA "RELEASE" OR "PRODUCE" ALVAREZ - THE ASSUMPTION BEING THAT HE HAD BEEN DETAINED OR WORSE. IF IT TURNED OUT THAT ALVAREZ HAD GONE TO SAO PAULO WITHOUT TELLING ANYONE, REPORTEDLY BECAUSE OF THREATS HE HAD BEEN RECEIVING FROM UNKNOWN INDIVIDUALS. HIS PARTY CONFIRMED THAT ALVAREZ WAS ALIVE AND WELL.

8. THE FOLLOWING QUESTION AND ANSWER COULD PRECEDE THOSE IN PARAGRAPH 19:

-- Q. WHAT IS THE STATUS OF THE AMNESTY LAW THAT THE JUNTA ISSUED?

-- A. PRESIDENT BIGNONE ISSUED THE AMNESTY LAW ON SEPTEMBER 23. IT GRANTS LEGAL IMMUNITY TO THOSE ON BOTH SIDES IN THE DIRTY WAR WHO MIGHT BE LIABLE TO CRIMINAL PROSECUTION FOR THEIR ACTS, BUT EXCLUDES THOSE WHO HAVE ALREADY BEEN CONVICTED FOR TERRORIST ACTS. THE CURRENT STATUS OF THE LAW IS UNCLEAR SINCE AT LEAST A DOZEN JUDGES HAVE REFUSED TO APPLY IT, WHILE A BUENOS AIRES FEDERAL COURT OF APPEALS EXTENDED IT TO INCLUDE CONVICTED TERRORISTS. THUS, THE DOUBTFUL STATUS OF THIS LAW WILL PROBABLY CONTINUE, AND THE CIVILIAN GOVERNMENT WILL HAVE TO RESOLVE THE MATTER.

9. THE FOLLOWING QUESTION AND ANSWER COULD BE SUBSTITUTED FOR PARAGRAPH 19:

-- Q. WHAT IS THE U.S. POSITION ON THE AMNESTY LAW THAT THE ARGENTINE JUNTA ISSUED?

-- A. SAME AS IN REFTEL.

10. THE FOLLOWING QUESTION AND ANSWER COULD ALSO BE ADDED TO THE LIST:

-- Q. DIDN'T THE GOA ALSO ISSUE A TOUGH, NEW ANTI-TERRORIST LAW RECENTLY?

-- A. YES. THE GOA DECREED A STRINGENT NEW ANTI-TERRORIST LAW ON SEPTEMBER 27 THAT ALLOWS POLICE TO SEARCH HOMES WITHOUT WARRANTS, TAP TELEPHONES, OPEN MAIL, AND DETAIN SUSPECTS INCOMMUNICADO FOR UP TO TEN DAYS AS LONG AS A JUDGE IS KEPT INFORMED OF THEIR DETENTION. POLITICIANS FROM NEARLY EVERY MAJOR PARTY HAVE BLASTED THIS NEW LAW, MAKING ITS REPEAL OR MODIFICATION A LIKELY EARLY ITEM OF BUSINESS FOR THE INCOMING CONGRESS. HOWEVER, THE CONCERN WITH A RECURRENCE OF TERRORISM REMAINS STRONG AND MANY POLITICIANS HAVE THEIR OWN SUGGESTIONS FOR LEGAL CHANGES TO DEAL FIRMLY WITH TERRORISM.

11. WE WILL UPDATE PARAGRAPH 21 IN A SEPARATE TELEGRAM OCTOBER 13. BUSHNELL**